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BEFORE THE ARIZONA CORPORATION COMMISSION

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Commissioner

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**IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996**

Docket No. T-00000A-97-0238

**ADDITIONAL COMMENTS OF
AT&T AND TCG PHOENIX ON
CHECKLIST ITEM 8**

AT&T Communications of the Mountain States, Inc and TCG Phoenix (collectively, "AT&T") hereby file their additional comments on U S WEST Communications, Inc.'s ("U S WEST's") compliance with checklist item 8 (white page listings) contained in Section 271(c) of the Telecommunications Act of 1996 ("Act").

I. INTRODUCTION

At the conclusion of the discussion of checklist item 8 during the workshop held on January 11, 2000, Staff requested that AT&T file additional comments by January 18, 2000, identifying any remaining issue(s) that it had regarding U S WEST's compliance with checklist item 8 and propose a means to resolve any such issue(s).

II. COMMENTS

Section 271(c) of the Act states that "[a]ccess or interconnection provided or generally offered by a Bell operating company to other telecommunications carriers meets the requirements of [Section 271(c)(2)(B)] if such access and interconnection includes each of the following: . . . (viii) white pages directory listings for customers of the other carrier's telephone exchange service." Section 251(b)(3) of the Act imposes on all local exchange

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carriers the duty to provide nondiscriminatory access to directory listings. The Federal Communications Commission has concluded that the requirements of these sections are comparable.¹ To meet its obligation under the Act for checklist item 8, U S WEST must demonstrate that it provides nondiscriminatory access to white page listing, including specifically (1) nondiscriminatory appearance and integration of white page listings to customers of competitive local exchange carriers ("CLECs"); and (2) white page listings for competitor's customers with the same accuracy and reliability that it provides its own customers.²

On May 28, 1997, U S WEST entered into a Publishing Agreement for Official Listings/Directories with its affiliate, U S WEST Dex, Inc. ("Dex"), that covers the publication of white pages in its 14-state region, including the State of Arizona. USWC Ex. 5. Although U S WEST has the obligation to meet the requirements of Sections 271(c)(2)(B)(viii) and 251(b)(3), as a result of its agreement with Dex, U S WEST does not publish white page listings or directories.

U S WEST's Statement of Generally Available Terms and Conditions ("SGAT") states that "White Page Listings Service (Listings) consists of U S WEST placing the names, addresses and telephone numbers of CLEC's end users *in U S WEST's listing database*, based on end user information provided to U S WEST by CLEC."³ Providing assurances that CLEC listings will be placed in the directory listings database does not relieve U S WEST of its obligation to provide nondiscriminatory access to white page directory

¹ *Application of BellSouth Corporation Pursuant to Section 271 of the Communications Act of 1934, as amended to Provide In-Region InterLATA services in Louisiana*, CC Docket No. 98-121, Memorandum and Opinion Order, FCC 98-271 (rel. Oct. 13, 1998), ¶ 252. See AT&T's initial comments at pages 1-10 for a thorough discussion of white page listings.

² *Id.*, ¶ 253.

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listings, including nondiscriminatory appearance and integration and listings that are as accurate and reliable as those provided to U S WEST customers.

Dex has no legal obligation to fulfill the requirements of Section 271. The lack of any legal obligation is reinforced by the terms of the U S WEST/Dex Agreement: "Nothing in this Article [6] shall be construed to impose any obligation upon USW Dex or the LEC to any third party, or to create rights for any person as a third party beneficiary." Article 6.5(c). Furthermore, Article 4.5 states that "USW Dex shall have the sole and exclusive right to determine the scope, design, format, organization, style, size and appearance of its directories, and all other aspects of publishing its directories, except otherwise provided herein." *See also* Article 4.6.

In other words, there is no contractual obligation running from Dex to U S WEST, or warranty from U S WEST to the CLECs, that Dex will publish the white page listings consistent with U S WEST's Section 271 obligations. Therefore, AT&T proposes that the following language be included in the SGAT and AT&T's interconnection agreement with U S WEST:

USWC represents and warrants that any arrangement for the publication of white pages directory listings with an affiliate (including without limitation, U S WEST Dex, Inc.) (an "Affiliate") requires such Affiliate to publish the directory listings of CLEC contained in USWC's databases so that CLEC's directory listings are nondiscriminatory in appearance and integration, and have the same accuracy and reliability that such Affiliate provides to USWC's customers.

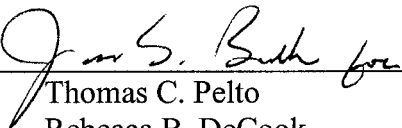
³ SGAT § 10.4.1 (emphasis added). *See also* the AT&T/U S WEST interconnection agreement: "U S WEST shall include in its master Directory Listings database all list information for the AT&T Customer. AT&T/U S WEST Interconnection Agreement, Section 44.1.2.

III. CONCLUSION

If the above language is incorporated into the SGAT and AT&T's interconnection agreement with U S WEST, AT&T's remaining issue regarding checklist item 8 would be resolved.

RESPECTFULLY submitted this 18th day of January, 2000.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of Additional Comments of AT&T and TCG Phoenix on Checklist Item 8 were filed this 18th day of January, 2000, with:

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and that a copy of the foregoing was sent via United States Mail, postage prepaid, this 18th day of January, 2000 to the following:

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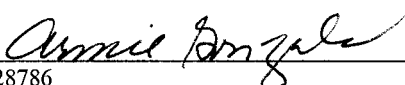
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